Intermec Technologies Corp. v. Palm, Inc.
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EXHIBIT Q

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC, etc., et al., Plaintiffs,	)
v.	) Case No. 05-03639 JW
GOOGLE, INC., Defendant.	)

30(b)(6) DEPOSITION OF BRETT R. HANSON

August 18, 2006

228010

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

-----------------------------------x

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

GOOGLE, INC.,

Defendant.

-----------------------------------x

Case No. 05-03639 JW

Confidential Portions Bound Separately

August 18, 2006

9:45 a.m.

30(b)(6) VIDEOTAPED DEPOSITION

of CLRB HANSON INDUSTRIES d/b/a INDUSTRIAL PRINTING by BRETT R. HANSON, taken by Defendant, pursuant to notice, held at the offices of Thacher Proffitt & Wood, 2 World Financial Center, New York, New York, before Amy E. Sikora, CRR, CSR, RPR, Certified Realtime Reporter, Certified Shorthand Reporter, Registered Professional Reporter, and Notary Public within and for the State of New York.

A P P E A R A N C E S:

WOLF POPPER LLP
Attorneys for Plaintiffs and the Proposed Class
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BY: LESTER L. LEVY, ESQ.
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Attorneys for Defendant
180 Townsend Street
San Francisco, CA 94107-1909
BY: DAVID T. BIDERMAN, ESQ.
M. CHRISTOPHER JHANG, ESQ.

ALSO PRESENT:
THOMAS DELVECCHIO, Videographer

09:51 55428. And 4401 Quebec Avenue North, New
09:51 Hope, Minnesota 55428.

09:52 Q. And you understand that you're here to testify as a representative of an entity which is described as CLRB Hanson Industries LLC d/b/a Industrial Printing?

09:52 A. Yes.

09:52 Q. And what is your relationship to that entity?

09:52 A. I'm 100 percent owner, single member.

09:52 Q. Okay. And is that entity a sole proprietorship or some other type of entity?

09:52 A. It's a limited liability corporation treated as disregarded entity as a single member for tax consideration.

09:52 Q. And how long has that entity been in existence?

09:52 A. September of 1992, I believe. Excuse me, September of 2002, I believe.

09:53 Q. And there was an entity --

09:53 MR. BIDERMAN: Withdraw that.

09:53 Q. You, sir, also did business with Google prior to September 2002; is that right?

A. Yes, sir.

Q. And through what entities did you do business with Google prior to September 2002?

A. Industrial Printing.

Q. And what is Industrial Printing?

A. Industrial Printing is a business that does -- it's CLRB, actually. It was a d/b -- a sole proprietorship that was sold to CLRB.

Q. Okay. Just so I understand, the entity that existed prior to September 2002 was known as what?

A. Industrial Printing.

Q. Okay. And what was the form of that entity?

A. Industrial Printing was a sole proprietorship.

Q. And who was the sole proprietor?

A. I was.

Q. And then in September 2002 what happened?

A. CLRB purchased assets of

Industrial Printing.

Q. And was CLRB in existence prior to September 2002?

A. No, sir.

Q. So it was formed specifically for the purposes of purchasing those assets?

A. Yes, sir.

Q. And other than the sole proprietorship known as Industrial Printing and the entity known as CLRB, have you done business with Google through any other entities?

A. Yes.

Q. And what are those other entities?

A. I've done -- I've done business as a consultant on behalf of other entities.

Q. Could you explain that?

A. SECOA.

Q. You have to spell that name.

A. S-E-C-O-A, Inc.

Q. Okay. And what is SECOA, Inc.?

A. Secoa, Inc. is a stage manufacturing firm located in Champlin, 10:02 proprietorship, have you otherwise placed any advertisements with Google for yourself?

10:02 A. Not that I can recall.

10:04 Q. And with respect to Industrial Printing, when did Industrial Printing first start to do business with Google?

10:04 A. I think it was on or about July 2002.

10:04 Q. And prior to that time, had you had -- pardon me. Prior to that time, had you used any other on-line advertising other than Google?

10:04 MR. LEVY: Could you tell me who "you" is?

10:04 MR. BIDERMAN: The sole proprietorship and Industrial Printing.

10:04 MR. LEVY: You're asking did Industrial Printing use another service?

10:04 MR. BIDERMAN: Yes.

10:04 Q. Yahoo, Overture?

10:04 A. Could you ask the question again, please.

10:04 Q. Sure. Prior to starting to do

business with Google, had industrial printing used any other on-line advertising services?

A. Yes, sir.

Q. What were those?

A. The ones I can recall are Yahoo, which was Overture, Ah-Ha. I think that may have been the extent of the -- the extent of them that I can recall.

Q. Okay. And what type of business is Industrial Printing engaged in?

A. Printing services.

Q. What type of printing services?

A. Printing on three-dimensional substrates.

Q. And is that the same type of business that Hanson Industries is engaged in?

A. I'm not sure of the full extent of what Hanson Industries does.

Q. Does Hanson Industries do printing on three-dimensional substrates?

A. I'm not sure if they do at this point.

Q. And how about CLRB Hanson, does

10:06 that do the same type of business that Industrial Printing did?

10:06 A. No. At the present time CLRB is strictly a web fulfillment company.

10:06 Q. And what's a web fulfillment company?

10:06 A. We have a site that takes orders for signage and places them with third parties and collects a fee.

10:07 Q. And did CLRB Hanson ever do printing on three-dimensional substrates?

10:07 A. Yes.

10:07 Q. When -- how long did it do that?

10:07 A. Three years.

10:07 Q. And when did it stop, approximately?

10:07 A. September of 2005.

10:07 Q. Okay. And when you, through Industrial Printing, first began to do business with Google, could you describe the process by which you established the relationship with Google?

10:08 A. I found the web site for Google, selected the -- the -- I think it was called matter what I changed the daily budget to, it always went over.

Q. Okay. So it's fair to say you came to that understanding sometime, say, June 2005?

A. Yes.

Q. And with respect to Exhibits 39 and 38, the communications with Tina, did you speak to her by phone?

A. I don't know if Google has phones. No. E-mail.

Q. And have you ever spoken to anyone at Google by telephone?

A. Recently, I believe, I received a voicemail. In fact, on Monday, thanking us for our business from a Matt. I don't know, Matt something left on my voicemail.

Q. And anything other than that communication?

A. Not that I can recall.

Q. I thought -- have you ever spoken to anyone by phone or otherwise at Google about daily budget issues?

A. I think I -- let me refresh my

10:28 cards?

10:28 A. Yes, sir.

10:29 Q. Okay. Could you tell me the names of the credit cards or identify the credit cards. We can put that under seal so it's -- no one else is going to look at it, other than except for this litigation.

10:29 MR. LEVY: Just the names of the cards?

10:29 MR. BIDERMAN: Just the names. I was going to ask for the numbers next. All right, I was going to ask.

10:29 A. I believe they're all identified by the billing information contained on the Google reports. I don't recall off the top of my -- I don't recollect the names.

10:29 Q. How many credit cards have you used, if you know?

10:29 A. I have no idea.

10:29 Q. More than four?

10:29 A. Possibly.

10:29 Q. More than 10?

10:29 A. Probably not.

10:30 Q. And other than through credit

cards, have you ever paid for Google advertising in any other fashion?

A. No, sir.

Q. And do you remember --

MR. BIDERMAN: Okay. Withdraw the question.

Q. When -- other than the one time that you signed up for the AdWords program in July 2002, have you ever signed up for the AdWords program again? In other words, established an account?

A. Can you clarify how you're asking that question?

Q. Sure. Did you go in there and basically start anew, registering a new e-mail address, providing new account information?

A. Not that I can recall.

Q. Just that one time?

A. On behalf of CLRB?

Q. Yes.

A. Yes.

Q. And it was really on behalf of Industrial Printing, and you're best with a daily budget of $50 for Industrial Printing. Has that daily budget changed?

A. I believe you have the records. Yes.

Q. And how often has it changed?

A. Sometimes change it three, four times a day.

Q. And what has it varied from?

A. Zero, turning off the campaign, suspending the campaign, to from -- to answer your specific question, zero to I think it's been as high as $2,000 a day.

Q. And what causes you to change your daily budget?

A. Our -- our web logs that track traffic in correlation with the orders. Certain times of day. Certain days of the week. Certain keywords. Whether we're going to continue in how the traffic is coming in from -- from MSN or Yahoo in correlation with our web logs and how that ties in. We've got a formula that we look at.

Q. And because you advertise on MSN and Yahoo also; is that correct?

A. Yes, sir.

Q. And other than MSN, Yahoo and Google, any other on-line advertising that you've used on behalf of Industrial Printing or CLRB Hanson?

A. Industrybrains.com. Super Pages, Verizon Super Pages. Mama, M-A-M-A, dot com. Request. That's a pay per impression.

MR. BIDERMAN: Did you get the name?

THE REPORTER: Yes.

A. That's what I can recall.

Q. Then I'll show you as exhibit next in order, Exhibit 24, which are -- is Exhibit A1 to the complaint or amended complaint in this case.

(Discussion off the record.)

(Exhibit No. 24, Exhibit A1 to the amended complaint in this case, marked for identification as of this date.)

Q. Exhibit 24 are, as I represented, exhibits to the amended

14:26 A. Yes. I was seeing at this time if there was an affiliate program that they offered, yeah.

14:26 Q. And you were told that they don't have one, nor do they plan to implement one. Do you recall that?

14:26 A. Just whatever this e-mail back from them says.

14:27 Q. There's a reference, if you look under tab 64, to -- it's an e-mail from you to Bethanie dated 7 December 2004?

14:27 A. Under 64?

14:27 Q. Yes, sir. It's under tab 64.

14:27 Do you see that reference or see that e-mail string?

14:27 A. Yes.

14:27 Q. What was that e-mail string involving?

14:27 A. This was a report, I believe, that I sent to Bethanie to -- our log files weren't matching with what Google was saying the clicks were.

14:28 Q. Okay. And how were your log files created?

14:28 A. Well, they're created every time -- our web sites are hosted on our server, so when someone logs in, it tells us who came to our site and where they came from. And it wasn't matching with Google's, and I had mentioned that to Google at that time.

14:28 Q. Through this e-mail?

14:28 A. Right.

14:28 Q. And then what was -- what was the ultimate conclusion of that inquiry?

14:28 A. I don't recall.

14:28 Q. Do you have -- have you ever reached any conclusions one way or the other about, quote, whether you're paying for clicks that are not coming to your site?

14:28 A. We have not.

14:28 Q. And I understand, that's not part of this -- you're not suing Google in this lawsuit for that, are you?

14:29 A. No, sir.

14:29 Q. And if you look under tab 64, there's a reference -- there's a call summary -- I'm sorry, 66, there's a call summary of December 21, 2004, Bethanie Santori. She has a 10-minute- 6-second call with you on December 21. Do you recall discussing -- having a discussion with her on December 21, 2004?

A. Yes.

Q. And what was the substance of that discussion?

A. I had ran into someone at Google at a trade show, and questioned -- questioned him about our click-through traffic and our traffic, and he just kind of blew me off like -- so I raised that. And raised the concern of -- raised the concern about the clicks that I thought were invalid coming through on our account.

Our log files weren't matching up -- separate from the over -- the budget problem, our -- the clicks that were coming through to our account weren't matching up to our log files.

Q. And did you have any discussions with either John or Bethanie during this time period about daily budget issues?

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, Oscar Ventura, hereby certify:

I am an employee of Barkley Court Reporters, duly authorized agent for the deposition officer that stenographically recorded the testimony in the foregoing deposition and authorized to execute this copy certificate.

The foregoing is true and correct copy of the original transcript of the proceedings taken before me as thereon stated.

Dated September 8, 2006.